

Application No. 09/912,670  
Filed: July 23, 2001  
TC Art Unit: 1644  
Confirmation No.: 6394

REMARKS

Claim 24 is the sole pending claim acted on by the Examiner. New dependent claims 42 and 43 are added herein. The Applicants submit that these claims are fully supported in the specification and that no new matter has been added.

Claim 24 has been rejected as obvious over U.S. Patent No. 6,048,850 in view of Lipton et al., Immunology Today 18(3):140-145 (1997). This rejection is respectfully traversed and reconsideration is requested.

The Examiner states that "[t]he '850 patent teaches a method for down-regulating a T cell-mediated autoimmune response (arthritis) in a tissue site in an animal." With respect, the Applicants point out to the Examiner that arthritis is considered by those of skill in the art to be a disorder of humoral immunity and not to be T cell-mediated. Thus, the Applicants submit that this patent was not correctly characterized by the Examiner.

Furthermore, the Applicants submit that the Examiner has incorrectly characterized the teachings of Lipton et al. in the same way. The Examiner stated that "Lipton et al. teaches the use of  $\alpha$ -MSH as an anti-inflammatory compound for the down-regulation of a T cell-mediated autoimmune response (see particularly page 141, column 2, Box I)." However, as the Applicants pointed out above, arthritis (which is referred to in Box I) is more properly considered to be a disorder of humoral immunity and not to be T cell-mediated. In fact, Lipton et al.

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in general presents the anti-inflammatory actions of  $\alpha$ -MSH as suppression of the innate inflammatory response. Thus, the Applicants submit that this reference also was not correctly characterized by the Examiner.

Therefore, the Applicants submit that the Examiner has not made a proper *prima facie* case in support of his obviousness rejection and that the rejection is overcome.

The Applicants further submit that all pending claims are in condition for allowance. Such action is respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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